

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CYNTHIA HORNER,

Plaintiff,

V.

BAYVIEW LOAN SERVICING, LLC, *et al.*,

Defendants.

Case No. 2:17-cv-01506-RFB-NJK

ORDER

Defendants' Motion to Expunge *Lis Pendens*

15 The Court held a hearing in this matter on Defendants Bayview Loan Servicing, LLC and
16 Bank of New York Mellon as Trustee's Motion for Summary Judgment (ECF No. 28) on
17 September 7, 2018. ECF No. 42. At the hearing, the Court granted summary judgment in favor
18 of Defendants on Plaintiff's quiet title claim. Id. For the reasons stated on the record at the
19 September 7, 2018 hearing, the Court finds Plaintiff cannot demonstrate a likelihood of prevailing
20 or a fair chance of success on the merits of her claims as required for a viable *lis pendens* claim.
21 See Nev. Rev. Stat. § 14.015(3) (requiring a party who records a notice of *lis pendens* to "establish
22 to the satisfaction of the court either: (a) That the party who recorded the notice is likely to prevail
23 in the action; or (b) That the party who recorded the notice has a fair chance of success on the
24 merits in the action and the injury ... would be sufficiently serious"). The Court orders the
25 notice of *lis pendens* be expunged accordingly.

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1 **IT IS THEREFORE ORDERED** that the County Recorded for Clark County, Nevada is
2 directed to expunge the notice of *lis pendens* recorded by Plaintiff Cynthia Horner on the property
3 located at 5880 Via Manigua, Las Vegas, NV 89120; APN 161-32-106-024.

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5 DATED this 12th day of September, 2018.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE